



# MISSOURI DEPARTMENT OF MENTAL HEALTH

MARK STRINGER, DEPARTMENT DIRECTOR



DEPARTMENT  
OPERATING  
REGULATION  
NUMBER

DOR  
4.450

CHAPTER Program Implementation and Records	SUBCHAPTER Release and Discharge Procedures	EFFECTIVE DATE 8-9-16	NUMBER OF PAGES 4	PAGE NUMBER 1 of 4
SUBJECT Sexually Violent Predator Review Committee		AUTHORITY Section 632.480 to 632.513, RSMo	HISTORY See Below	
PERSON RESPONSIBLE Director, Division of Behavioral Health			SUNSET DATE 7-1-20	

## Conditional Release of Sexually Violent Predators

**PURPOSE:** Prescribes policies and procedures for the conditional release of clients committed pursuant to 632.480 to 632.513, RSMo.

**APPLICATION:** Applies to Sex Offender Rehabilitation and Treatment Service (SORTS) facilities confining civilly committed clients pursuant to sections 632.480 to 632.513, RSMo.

(1) For purposes of this DOR, the following terms mean:

(A) "Sexually Violent Predator," a client committed pursuant to 632.480 to 632.513, RSMo.

(B) "Conditional release," a court-ordered release of a client committed as a Sexually Violent Predator from the designated mental health facility for sexually violent predators subject to conditions ordered by the appropriate court. Any client on conditional release will receive monitoring by Probation and Parole and designated DMH staff when outside the designated mental health facility or when discharged from the mental health facility to ensure compliance with court-ordered conditions of release.

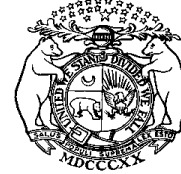
(C) "Department Sexually Violent Predator Review Committee," a committee appointed by the Department Director or designee, consisting of individuals that make recommendations to the Chief Operating Officer of the SORTS facility in which the client resides. The committee shall consist at a minimum of: (1) the Chief Clinical Officer – Adult Services, who shall serve as the committee chair; (2) from each SORTS facility, a licensed psychologist with expertise in treatment or assessment of sexually violent predators and/or a psychiatrist with experience in treatment or assessment of sexually violent predators; and (3) from each SORTS facility, a licensed social worker. Additional members may be assigned as needed by the Department Director or designee. In the event the Chief Clinical Officer—Adult Services is unavailable or has a conflict on a particular case, the Department Director shall appoint a temporary chair for the committee.

(2) The treatment team responsible for the care and treatment of the client may refer recommendations for release with proposed conditions to the Chief Operating Officer of the SORTS facility where the client resides. Upon receipt of a referral from the



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treatment team, the Chief Operating Officer shall have ten (10) calendar days to review the referral and, if in concurrence with the recommendation, forward the referral to the Department Sexually Violent Predator Review Committee.

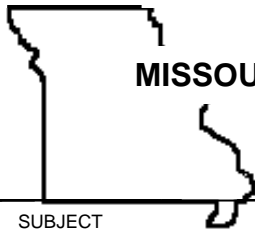
(A) The Department Sexually Violent Predator Review Committee shall review all referrals from the Chief Operating Officer.

(B) The Department Sexually Violent Predator Review Committee shall have sixty (60) calendar days from the date of receipt to review the recommendation that the client be considered for authorization to petition the court for release and shall review the proposed conditions of release. The Department Sexually Violent Predator Review Committee may seek additional information from the treatment team and may recommend amendments to any of the proposed conditions of release that are in addition to those conditions required by section 632.505.3, RSMo. If the review and findings cannot be completed within the sixty (60) calendar days specified herein, then the Department Sexually Violent Predator Review Committee shall notify the Chief Operating Officer of the reasons for the delay and the additional time needed, which shall not exceed thirty (30) calendar days unless there are extenuating circumstances and good cause is shown. Requests for additional time shall not be routinely made.

(C) If the Department Sexually Violent Predator Review Committee finds that the referred client's mental abnormality remains such that the client is not safe to be at large and if released is likely to engage in acts of sexual violence, the referral shall be denied and returned to the referral source with a summary of the reasons for the finding.

(D) If the Department Sexually Violent Predator Review Committee finds (a) that the referred client's mental abnormality has so changed that the client is not likely to commit acts of sexual violence if released; and/or (b) that the client is no longer dangerous and is safe to be at large, the referral shall be approved and the recommendation sent to the Chief Operating Officer of the SORTS facility where the client resides with a summary of the reasons for the finding and the proposed conditions for release.

(3) If the Department Sexually Violent Predator Review Committee concurs that the client should be considered for authorization to petition the court for release with the proposed conditions of release, the Chief Operating Officer of the SORTS facility where the client resides shall be notified of the recommendation. The Chief Operating Officer of the SORTS facility where the client resides shall review the recommendation and may seek clarification of any questions and make amendments to any of the proposed conditions of release that are in addition to those conditions required by section 632.505.3, RSMo. The Chief Operating Officer of the SORTS facility where the client



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resides, as the designee for the Department Director, under section 632.501, RSMo, shall have ten (10) calendar days from receipt of the recommendation from the Department Sexually Violent Predator Review Committee to make the final decision whether to authorize the client to petition the court for conditional release with the approved conditions of release.

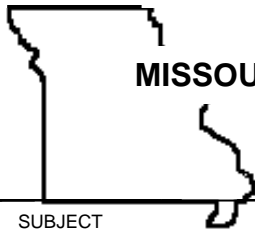
(4) Notification to the client following the final decision by the Chief Operating Officer:

(A) When the Chief Operating Officer of the SORTS facility where the client resides approves the client petitioning for release under section 632.501, RSMo, s/he shall provide notice to the client within five (5) calendar days of making the final decision as specified in section (3) that the client is authorized to petition the court for release with the approved conditions of release. The Chief Operating Officer of the SORTS facility where the client resides shall provide the notice and the approved conditions to the client, the Public Defender's Office and the Office of the Attorney General.

(B) When the Chief Operating Officer of the SORTS facility where the client resides does not approve the client petitioning for release under section 632.501, RSMo, s/he shall provide notice to the client within five (5) calendar days of making the final decision as specified in section (3) with a summary of the reasons why conditional release is not supported at this time.

(5) If at any time a client receives an annual examination under section 632.498.1, RSMo, that concludes (a) that the referred client's mental abnormality has so changed the client is not likely to commit acts of sexual violence if released; and/or (b) that the client is no longer dangerous and is safe to be at large, the Chief Operating Officer of the SORTS facility where the client resides shall be notified of such annual examination finding within ten (10) calendar days of the annual report being final and request that the client's treatment team review the annual examination and the client's file to determine whether the treatment team supports the conclusion of the annual examination; and if so, to refer recommendations for release and proposed conditions to the Chief Operating Officer as set forth in section (2). Upon receipt of the decision from the treatment team, the Chief Operating Officer shall have ten (10) calendar days to review the documentation and recommendations and decide whether to make a referral to the Department Sexually Violent Predator Review Committee.

(A) If the treatment team does not support the conclusion of the annual examination, the treatment team shall provide a summary of the reasons it does not support conditional release at that time to the Chief Operating Officer; after which, the Chief Operating Officer, if in concurrence, shall provide notice to the client of the reasons why conditional release is not supported as set out in section (4)(B).



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(B) The treatment team review and recommendations specified in this section shall be completed within twenty (20) working days of receipt of the request from the Chief Operating Officer. If the review and recommendations cannot be completed within the twenty (20) working days specified herein, then the treatment team shall notify the Chief Operating Officer of the reasons for the delay and the additional time needed, which shall not exceed twenty (20) working days unless there are extenuating circumstances and good cause is shown. Requests for additional time shall not be routinely made.

(6) If under the facility guidelines for review of physical disability affecting sex offending risk a client is determined to no longer be dangerous and is safe to be at large due to a permanent physical illness or condition, the client's treatment team shall refer recommendations for release with proposed conditions to the Chief Operating Officer of the SORTS facility where the client resides as set forth in section (2). In the referral, the treatment team shall request that the review of the referral be expedited.

(7) If a client files for conditional or unconditional release any time prior to the Chief Operating Officer of the SORTS facility where the client resides making a final decision whether to authorize the client to petition the court for conditional release, the review process set forth in this department operating regulation shall cease and the referral shall be administratively closed.

Reference: Sections 632.480 to 632.513, RSMo.

HISTORY: Original DOR effective February 1, 2011. Amendment effective November 23, 2011. On June 24, 2015, the sunset date was extended to July 1, 2018. Amendment effective January 7, 2016. Amendment effective August 9, 2016.